

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

OREGON SHAKESPEARE
FESTIVAL ASSOCIATION
Employer

and

Case 19-RC-150979

INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES,
MOVING PICTURE TECHNICIANS
ARTISTS AND ALLIED CRAFTS OF THE
UNITED STATES, ITS TERRITORIES
AND CANADA, AFL-CIO, CLC
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Dated, Washington, D.C., August 20, 2015.

¹ Although the Regional Director did not expressly apply *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011), enfd. sub nom. *Kindred Nursing Centers East, LLC v. NLRB*, 727 F.3d 552 (6th Cir. 2013), in addressing the Employer's contention that certain employees must be added to the petitioned-for unit, we are satisfied that the Regional Director's findings are consonant with that standard. In particular, the evidence supports the Regional Director's finding that none of the excluded employees shares an overwhelming community of interest with any of the petitioned-for employees. All of the excluded employees have separate primary work locations from the petitioned-for employees, and many of the excluded employees work in a different city than the petitioned-for employees. For the most part, the petitioned-for employees also have different immediate supervision than the excluded employees. The two groups also have different primary functions, and they work different monthly and weekly schedules. Although there is some degree of contact and functional integration between the two groups, the Employer did not establish how frequently or regularly the contact occurs. Further, we find that Board precedent finding appropriate units of stagehands is consistent with the RD's conclusions. See, e.g., *Blue Man Vegas, LLC v. NLRB*, 529 F.3d 417, 418, 423-427 (D.C. Cir. 2008); *Blockbuster Pavilion*, 314 NLRB 129, 142 (1994), enfd. in relevant part 82 F.3d 1074 (D.C. Cir. 1996). In denying review, we do not rely on the Regional Director's analysis of the petitioned-for unit under the single-facility presumption.

Member Miscimarra agrees with the denial of review. However, for the reasons he stated in *Macy's, Inc.*, 361 NLRB No. 4, slip op. at 22-33 (2014) (Member Miscimarra, dissenting), he would apply the Board's traditional standard and not the "overwhelming community of interest" standard set forth in *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011).